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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed October 22, 2004. In the Office Action, the Examiner notes that claims 1-20 are pending and rejected. By this response, claim 1, 10, and 20 are amended, and claims 2-9 and 11-19 continue unamended.

In view of both the amendments presented above and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 103.

It is to be understood that the Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to the Applicants' subject matter recited in the pending claims. Further, the Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

Rejections

35 U.S.C. §102

Claims 1-5 and 7-20

The Examiner has rejected claims 1-5 and 7-20 under 35 U.S.C. §102(e) as being anticipated by Richardson et al. (hereinafter "Richardson"). The Applicants respectfully traverse the rejection.

The Applicants' independent claim 1 recites (independent claims 10 and 20 recite similar limitations):

1. A method for monitoring operation of an information distribution system comprising provider equipment and subscriber equipment, said method comprising:

receiving, at a control unit, a directive to monitor a particular channel of a plurality of channels transmitted from a content provider to said subscriber equipment, and at a particular terminal associated with said provider equipment;

sending a command indicative of the particular channel and terminal to be monitored;

receiving information representative of content being transmitted on the particular channel from the particular terminal;

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capturing the received content; and
reporting the captured content. (emphasis added).

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Richardson reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

In particular, the Richardson reference discloses:

The endpoint with which the user interacts (that is, the display and/or input devices) is called the *VNC client* or *viewer*. The endpoint where changes to the framebuffer originate (that is, the windowing system and applications) is known as the *VNC server* (see Figure 1). (see Richardson, page 35, first column, second paragraph).

Further, the Richardson reference discloses:

To establish a client-server connection, the server first requests authentication from the client, using a challenge-response scheme; the client typically requires the user to enter a password at this point. The server and client then exchange messages to negotiate desktop size, pixel format, and encoding schemes. The client requests an update for the entire screen, and the session begins. Because of the stateless nature of the client, either side can close the connection at any time without adverse consequences. (see Richardson, pages 35-36, paragraph under "Connection Setup and Shutdown").

Nowhere in the Richardson reference is there any teaching or suggestion of "receiving, at a control unit, a directive to monitor a particular channel of a plurality of channels transmitted from a content provider to said subscriber equipment, and at a particular terminal associated with said provider equipment." That is, the Applicants' invention provides a monitoring system to monitor delivery of programming, guide data and other information to the set top boxes of the subscriber equipment in the interactive information distribution system. More specifically, these techniques may be used for diagnostics, quality control, and other purposes, and may be advantageously employed

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for various types of information distribution system such as, for example, an interactive program guide (IPG) delivery system, a video-on-demand (VOD) system, and other systems. These techniques allow a system operator to visually verify the contents being delivered to the terminals, check what the viewers may observe, mimic and test interactive experiences of the viewers, observe actual viewing conditions at the terminals, and perform other tests and diagnostics. (see Applicants' specification, page 21, lines 20-28).

By contrast, the Richardson reference merely discloses emulating a display of a server on a client device, e.g., connecting a PDA to a USB port of a workstation and having the PDA applications available (i.e., displayed) on the workstation screen. (see Richardson, page 37, first column, paragraph 3). The Applicants' invention is different, since the Applicants' invention uses a terminal to monitor content data being sent from service provider equipment to at least one subscriber equipment (e.g., subscriber set top terminal). Therefore, the Richardson reference fails to teach each and every element of the Applicants' claimed invention, as arranged in the claim.

As such, the Applicants submit that independent claims 1, 10 and 20 are not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Furthermore, claims 2-5, 7-9 and 11-19 depend, either directly or indirectly, from independent claims 1, 10 and 20 and recite additional limitations thereof. As such and at least for the same reasons as discussed above, the Applicants submit that these dependent claims are also not anticipated and fully satisfy the requirements of 35 U.S.C. §102 and are patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

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35 U.S.C. §103**Claim 6**

The Examiner has rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Richardson in view of Remillard (U.S. Patent No. 5,504,519, hereinafter "Remillard"). The Applicants respectfully traverse the rejection.

The test under 35 U.S.C. §103 is not whether an improvement or a use set forth in a patent would have been obvious or non-obvious; rather the test is whether the claimed invention, considered as a whole, would have been obvious. Jones v. Hardy, 110 USPQ 1021, 1024 (Fed. Cir. 1984) (emphasis added). Moreover, the invention as a whole is not restricted to the specific subject matter claimed, but also embraces its properties and the problem it solves. In re Wright, 6 USPQ 2d 1959, 1961 (Fed. Cir. 1988) (emphasis added). The Richardson and Remillard references alone or in combination fail to teach or suggest the Applicants' invention as a whole.

The Richardson reference discloses establishing a client server connection, with a server first request authentication from the client, using a challenge-response scheme, the client typically requires the user to enter a password at this point, the server and the client then exchange messages to negotiate desk top size, pixel format, and encoding schemes. The client requests an update for the entire screen, and the session begins. (see Richardson, pages 35-36, paragraph regarding "Connection Setup and Shutdown"). Furthermore, the Remillard reference fails to bridge the substantial gap as between the Richardson reference and the Applicants' invention. In particular, Remillard discloses

The electronic device 20 of the preferred embodiment includes a stylus-type or pen-type pointing device 54 for creation of bitmap images on the television 50. The bitmap images include graphical and textual information drawn by the user. The user is able to direct the electronic device 20 to capture images from the television 50 screen. The images include any bitmap images created by the user. The electronic device 20 is able to transmit the captured images to the host computer 30 for storage or forwarding to any of the facilities the host computer 30 controls. (see Remillard, column 5, lines 29-38).

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Even if the two references could somehow be operably combined, the combination would merely disclose emulating server applications via a remote device and representing such emulations using bitmaps. By contrast, the Applicants' invention provides a method for monitoring operation of an information distribution system which includes "receiving, at a control unit, a directive to monitor a particular channel of a plurality of channels transmitted from a content provider to said subscriber equipment, and at a particular terminal associated with said provider equipment." Nowhere in the combined references is there any teaching or suggestion of monitoring particular channels of a plurality of channels transmitted from a content provider to the subscriber equipment. Therefore, the combination of Richardson and Remillard fail to teach or suggest the Applicants' invention as a whole.

As such, the Applicants submit that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Furthermore, claim 6 depends directly from independent claim 1 and recites additional limitations thereof. As such and at least for the same reasons as discussed above, the Applicants submit that dependent claim 6 is also not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Therefore, the Applicants respectfully request that the Examiner's rejection be withdrawn.

SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicants' disclosure than the primary references cited in the Office Action. Therefore, the Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

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CONCLUSION

Thus, the Applicants submit that none of the claims presently in the application are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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Eamon J. Wall
Registration No. 39,414
Attorney for Applicants

MOSER, PATTERSON & SHERIDAN, LLP
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702
Telephone: 732-530-9404
Facsimile: 732-530-9808